IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6727 OF 2006

Sharda Yantramag Vinkar Sahakari
Soot Girni ..Petitioner.
Vs.
Janardhan Yallayya Karampuri ..Respondent.

Mr.R.D.Soni i/b Ram & Co. , adv. for the Petitioner.

Mr.S.S.Shah, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 7, 2007.

P.C.

1. Heard the learned counsel for the Parties.

2. The petitioner is a co-operative society and the respondent had purchased certain yarns for an amount of Rs.1,13,293/-. The petitioner filed a dispute against the respondent for recovery of Rs.1,42,406/- including the price of the yarns and interest at the rate of 24% per annum. The respondent filed written statement contending that he had already deposited the price of the yarn on 11-1-2001. This fact was not denied. The learned co-operative Court held that the petitioner/disputant had failed to prove that there is an agreement to pay interest at the rate of 24% per annum. As the principal amount was already paid, the learned co-operative Court dismissed the dispute by the

judgment dated 17-2-2005. The petitioner/society filed an appeal alongwith the application for condonation of delay on 28-4-2006. It was contended that the general body had passed the resolution for the waiver of the interest but that resolution was not approved by the Co-operative Commissioner. Therefore, the society had decided to prefer an appeal and hence, there was a delay. Being not satisfied with the reasons, the learned Member Maharashtra State Co-operative Appellate Court rejected the application for condonation of delay. Hence, this petition.

3. Assuming that there were valid reasons for the delay, I find that the Co-operative Court had given cogent reasons for holding that there was no agreement to pay interest at the rate of 24% per annum and as admittedly the principal amount was already paid by the respondent to the petitioner, the suit was dismissed. On merits also there appears no case for the petitioner. In these circumstances, I find no reason to interfere in the impugned order rejecting application for condonation of delay.

4. Petition stands dismissed summarily.

[J.H.BHATIA, J.]